

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Land and Buildings Located at 418 Wolcott Street,
Auburndale, Massachusetts, with all Appurtenances
and Improvements Thereon, Owned by
Richard Lizotte; et als

Defendants-in-Rem.

SEALED DOCUMENT

Civil No. 06-432-JD

**ORDER TO SUBSTITUTE AND FORFEIT \$500,000.00
FOR DEFENDANT IN REM 418 WOLCOTT STREET, AUBURNDALE, MA,
AND TO DISMISS 418 WOLCOTT STREET, AUBURNDALE, MA**

1. On November 20, 2006, the United States commenced an action by Verified Complaint for Forfeiture in Rem seeking the forfeiture of the defendant *in rem* 418 Wolcott Street, Auburndale, Massachusetts, owned by Richard Lizotte ("Lizotte"), pursuant to 21 U.S.C. § 881(a)(7). This Verified Complaint was served on all known potential claimants, including Lizotte, who was served on December 1, 2006. There are no other known claimants to the above defendants *in rem*.

2. Lizotte filed his claim on March 30, 2007, and his answer on April 18, 2007.

3. The United States and Lizotte have reached an Agreement which provides for the substitution of \$500,000.00 in U.S. currency for the *res* of the defendant *in rem* 418 Wolcott Street, Auburndale, Massachusetts, owned by Richard Lizotte, and for the forfeiture of the substitute *res*. The defendant *in rem* 418 Wolcott Street, Auburndale, Massachusetts, owned by Richard Lizotte, will be dismissed from this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That the sum of \$500,000.00 in U.S. Currency is hereby substituted as the *res* for the defendant *in rem* 418 Wolcott Street, Auburndale, Massachusetts, owned by Richard Lizotte;

B. That the defendant *in rem* 418 Wolcott Street, Auburndale, Massachusetts, owned by Richard Lizotte, is hereby dismissed from this proceeding;

C. That all rights, title and interests to the substituted defendant *in rem* \$500,000.00 in U.S. Currency, is hereby condemned, forfeited and vested in the United States of America, pursuant to 21 U.S.C. § 881(a)(7), free from the claims of any other party;

D. That the substituted defendant *in rem* \$500,000.00 shall be disposed of by the United States Marshals Service ("USMS") in accordance with the applicable law and regulations. These funds, less costs to the USMS associated with the defendant *in rem*, shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e);

E. That Richard Lizotte shall bear his own costs of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send four (4) certified copies of this Order to the United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: March 7, 2008

/s/ Joseph A. DiClerico, Jr.

United States District Court Judge